

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. GUNTER,)
Petitioner,) 4:05cv3223
vs.) ORDER
ROBERT HOUSTON,)
Respondent.)

This matter is before the court on filing no. 22, the Objection to Magistrate's Memorandum and Order and Motion to Extend Time to File Brief, filed by the petitioner, William C. Gunter. I am the Magistrate Judge assigned to Mr. Gunter's case, and Chief Judge Joseph F. Bataillon is the District Judge who issued the Memorandum and Order in question discussing the matter of equitable tolling. In the federal courts, district judges issue dispositive orders deciding cases, and magistrate judges cannot do so without the consent of the parties. However, I can grant the petitioner an extension of time, and I hereby do so.

IT IS THEREFORE ORDERED:

1. That filing no. 22 is granted insofar as Mr. Gunter requests an extension of time to file a brief in support of his Objection;
2. That if Mr. Gunter wishes to object to Judge Bataillon's decision regarding equitable tolling, he may file a brief by May 26, 2006 stating his objections; filing no. 22 will be construed as in the nature of a Motion for Reconsideration to be addressed by Chief Judge Bataillon;
3. That Mr. Gunter is reminded that May 26, 2006 is also the deadline established by Chief Judge Bataillon for any further claim of equitable tolling, e.g., based on mental incapacity, if any factual basis for such a claim exists.

DATED this 8th day of May, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge